REMARKS

Claims 1-18 are pending in the application. Claims 1and 3 are amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-7, 9-14, and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita et al. in US 2003/0218720 (hereinafter Morita) in view of Kienzle, III et al. in US 6,285,902 (hereinafter Kienzle) and Tomasi et al. in US 2002/0021287 (hereinafter Tomasi). Claims 8 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita in view of Kienzle and Tomasi, in further view of Sauer et al. in US 6,307,674 (hereinafter Sauer).

Claims 1 and 3 recite a sterilizable screen and "a sterilizable protective housing **connected mechanically to the sterilizable screen**."

The Examiner admits that Morita fails to teach a sterilizable protective housing and alleges Kienzle teaches this limitation by disclosing the sterile drape 196 mechanically **attached to the C-arm 112** by elastic straps 198 (FIG. 10). However, the C-arm 112 is not mechanically connected to any screen. Therefore, Kienzle does not teach or suggest a sterilizable protective housing **connected mechanically to the sterilizable screen**. Claims 1 and 3 are allowable for at least this reason.

Further, Kienzle discloses that "prior to the procedure, the C-arm 112 is covered by a transparent sterile drape 196" (Fig. 10 and col. 16 lines 29-33). Kienzle further discloses a sterile drape is hung between the C-arm 112 and the surgical fields such that only the first sensor 230 can accurately view the surgical instruments 128 on one

side of the drape, while only the second sensor 231 can accurately view the C-arm 112 on the other side of the drape (col. 18, lines 58-65). The sterile drape is used to confine the field of view of the sensors (detection devices) by Kienzle. If the sterile drape is used to cover the detection devices, it would block the detection. Therefore, Morita would not use the sterile drape as a sterilizable protective housing operable for the detection device. Moreover, Kienzle admits that if using the surgical tool 128 as an input device to select the previously defined selection fields on the display screen 122, the **surgeon can command the system without** an intermediate operator, **a sterilizable input device** or other equipment such as a footswitch (col. 21, lines 46-54). Thus, Kienzle teaches the sterilizable protective housing away from, and not operable to receive, the detection device in the claimed control unit. Therefore, claims 1 and 3 are allowable over Morita and Kienzle for at least this reason.

The Examiner admits that Morita and Kienzle fail to teach a sterilizable protective housing receiving the detection device. The Examiner then alleges that Tomasi teaches an input device that projects the display and detects input at the displayed surface. The Examiner argues that it would be obvious to one of ordinary skill in the art to use the input device taught by Tomasi in Morita's control unit. The Examiner further alleges that Morita's detection system would be part of the projection apparatus and thus covered by Kienzle's protective housing. However, Kienzle discloses a drape 196 covering the localizing **emitters 153** prior to the surgery procedure (Fig. 10 and col. 16, line 29-41). The emitters 153 only emit signal so that the localizer sensor units 230, 231 can detect the position of the emitters 153 (FIG. 13 and col.18, lines 12-65). **The emitters are not detection devices or observation apparatus.** Even if Morita combined the

observation apparatus 140 and the detection devices 145 into a single combined device based on the input device taught by Tomasi, the combination would not lead Kienzle to cover the combined device by a protective housing because Kienzle only covers the emitters 153 and the C-arm 112 (FIG. 10 and col. 16, line 29-41). The combination of Kienzle, Morita, and Tomasi does not teach that a sterilizable protective housing is operable for receiving the detection device. Therefore, claims 1 and 3 are allowable over the cited references.

Dependent claims 2 and 4-18 depend from allowable claims 1 and 3, so are allowable for at least the same reasons as claims 1 and 3. Further limitations patentably distinguish from the cited references.

Dependent claims 6, 13, 17 and 18 recite "a transmission unit for **wireless communication with a medical device**." The Examiner alleges that Tomasi teaches the limitation by disclosing wireless communication between device 90 and system 80 by a medium 100 that may be wireless (FIG. 1A, Para. 33). However, Tomasi is silent on a medical device. The device 90 and the system 80 are not medical devices. The Examiner further alleges that the display 140 disclosed by Tomasi corresponds to the projector 140 disclosed by Morita. However, Morita only discloses that the projector 140 is a three dimensional observation apparatus (FIG. 16, col. 9, lines 3-13). Morita does not disclose that the projector 140 is a medical device. The combination of Morita and Tomasi does not teach a transmission unit for **wireless communication with a medical device**. Kienzle is silent on this limitation. Therefore, claim claims 6, 13, 17 and 18 are allowable for this reason.

CONCLUSION

Based on the above remarks, Applicants respectfully submit that the claims are in condition for allowance. The Examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,

/Craig A. Summerfield/
Registration No. 37,947
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200